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Of Counsel
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P.O. 444
20 Harrison St.
Waldwick, N.J. 07463,
201-444-5990
Fax 201-444-5094

June 8, 2010

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20024

227259



RE: Notice of Exemption, Swanson Rail Transfer, L.P.
FD_35376

Dear Acting Secretary Quinlan:

Enclosed please find the original and eleven copies of the Amended Notice of Exemption and Caption Summary for the captioned client for filing. Please return the extra copy stamped received in the enclosed return Federal Express package.

Also enclosed, please find a disk with this material in Microsoft Word format.

Thank you for your attention to this matter.

Very truly yours,

John F. McHugh

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Office of Proceedings

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Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35376

SWANSON RAIL TRANSFER LP

AMENDED EXEMPTION



a. Swanson Rail Transfer LP, (hereinafter “SRT”) a non carrier, seeks to amend its notice of exemption previously filed pursuant to 49 CFR §1150.31 to commence the operation of common carrier rail service utilizing railway yard property formerly owned by Conrail within the City of Philadelphia, PA. By this amendment the petitioner seeks to add information requested by the Board in its decision dated May 28, 2010 and to correct one error in the prior submission.

1. The former yard property which the petitioner seeks to develop as a transload terminal, was purchased from Conrail by BDB Corp. 225 N. Olive St., Media, PA 19063, (“BDB”) in April of 2005. The purchaser was BDB not Olive Investors as stated in the prior submission. All of the shareholders of BDB, are limited partners in

SRT, a limited partnership and BDB is the unlimited partner. None of the limited or unlimited partners of Swanson Rail Transfer, LP own any other rail common carrier facilities.

2. The land is a parcel of former railway yard land running between Pattison Avenue, and The Delaware River Port Authority Right of Way, better known as the Walt Whitman Bridge, and/or Interstate 74, all in Philadelphia, PA. The land is 159.54 feet wide and 2,063 feet long. The land is somewhat narrower at the north end as it does not include land under Conrail's Swanson Street Lead or the tracks serving the Savage Rail Service facility to the immediate north. There is a siding on the land which was not in service when the land was purchased by BDB. As this was a former yard property and was an empty lot with an unused industrial siding thereupon when the property was sold by Conrail to BDB in April of 2005 it is submitted that Conrail had authority to sell the land pursuant to 49 U.S.C. §10906 as only industrial sidings, yard tracks and spurs were ever on this property.

3. The land has been leased by BDB to SRT for 50 years. There are no mileposts on the track located on this land. The industrial siding which crosses the land was apparently to serve a

customer east of the lands in question. On information and belief this siding was never used.

4. The currently operating track of Conrail, to which the siding on the land connects, runs along and outside the western edge of the parcel and was formerly part of the Philadelphia Belt Line Railroad. That line is currently known as the Swanson Street Lead Track (Swanson Street is a street stricken from the City Map and is now a water main and drainage easement which runs along the westerly side of the lands in issue). The Swanson Street Lead begins at a switch in the Delaware Extension Yard Track, Conrail Line Code 1143 (Delaware Extension) at Milepost 7.5. That switch is located about 750 feet south and west of the south western corner of the subject property.

5. The track currently in place on the property is connected to the Swanson Street Lead Track approximately 2,400 feet north and east, along the Swanson Street Lead from Delaware Extension MP 7.5. That industrial side track crosses the property from north to south. The subject property was formerly the Swanson Street Yard of the Philadelphia Belt Line Railway from which all yard track had been removed prior to the installation of the current siding. The

Swanson Street Lead, currently serves Savage Rail Services, a bulk materials transload facility which lies to the immediate north of the property here in issue. Savage occupies land under and to the north of the Walt Whitman Bridge. Rail access to the Savage facility does not cross the parcel in issue. Therefore, this transaction will not interfere with the use of the Swanson Street Lead or with the rail transloading operations to the north.

6. The SRT will offer common carrier transportation to the public including utilizing a fully permitted waste transfer facility to be constructed on the property. SRT has fully complied with all local and State law applicable to this facility.

b. SRT is represented by:

John F. McHugh, Esq.
6 Water Street
New York, N.Y. 10004
212-483-0875
Fax: 212-483-0876
JFMcHughPC@Aol.com

c. SRT has obtained a permit from the Pennsylvania Department of Environmental Protection, (attached hereto as Exhibit A) and will interchange with Conrail which is the current operator of the Philadelphia Belt Line Railroad. SRT will transload and move construction

and demolition material and municipal solid waste by rail from this facility. SRT will provide only transportation related services, including transloading and transport in interstate commerce of materials in its controlled fleet of rail cars and therefore will be a common carrier by rail as that term was defined by the Board in *American Orient Express Railway Company, Petition for a Declaratory Order* FD 34502 (December 29, 2005).

d. The name of the rail service operator will be Swanson Rail Transfer LP, currently headquartered at 31 Tamarack Road, Mahopac, NY 10541. All shareholders of BDB are limited partners in SRT and BDB is the unlimited partner in SRT. It is understood that BDB, as owner of what will become an active rail facility will become a residual common carrier when the new facility begins operation. No rail operation nor construction will commence prior to receiving approval of this Notice.

e. SRT will be a common carrier.

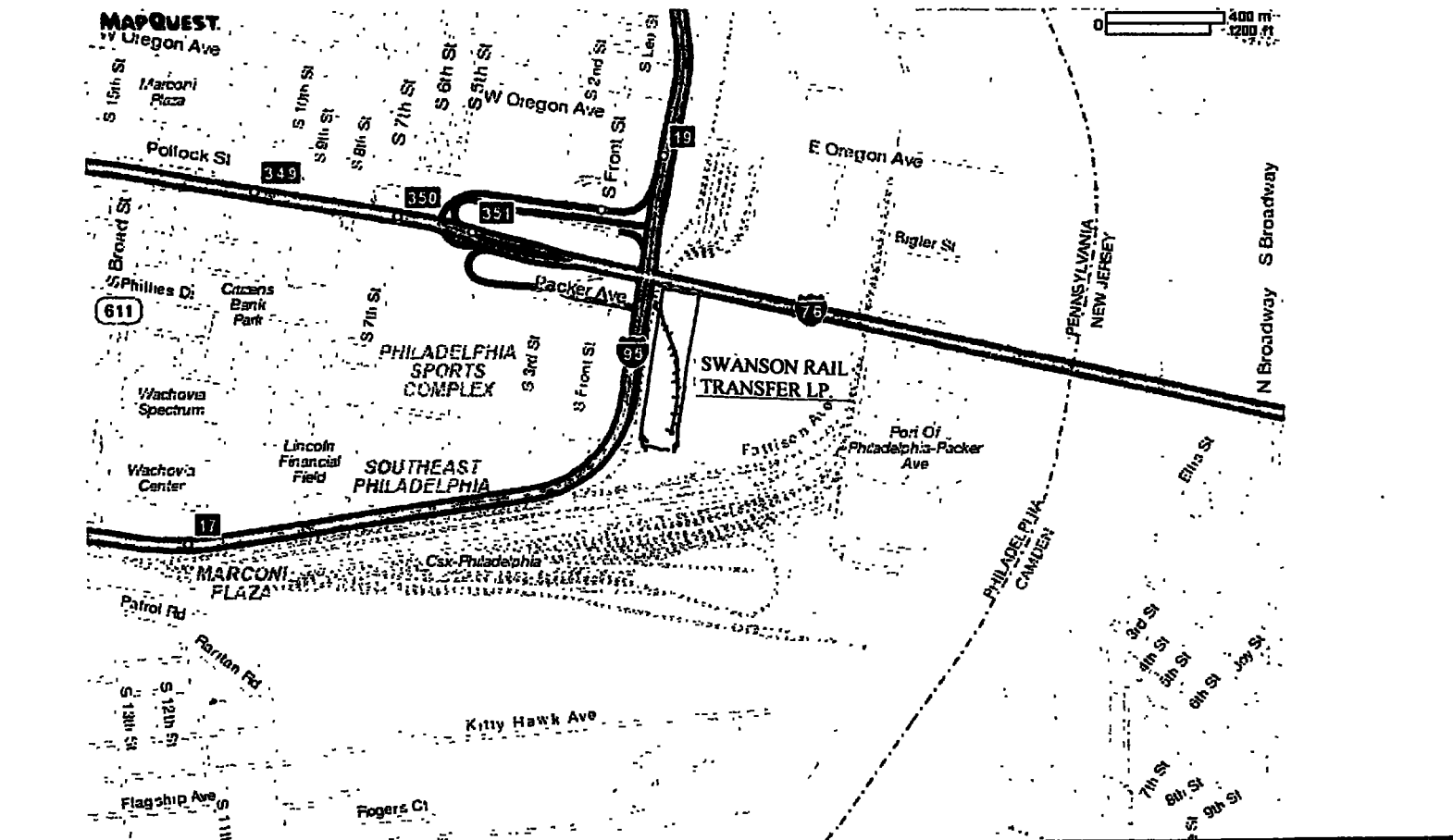
1. The address of common carrier which last offered to provide service on the track is: Conrail, 1000 Howard Blvd. Mt. Laurel, N.J. 08054

2. The main track to be operated extends from the property line of Conrail about 1,700 feet north of Pattison Avenue in Philadelphia, PA adjacent to and east of both the Swanson

Street lead or about 300 feet south of the Walt Whitman Bridge, and such track is about 1,000 feet in length, about 750 feet being on the subject property.

3. Total length of track will be 1,000 with additional trackage to be installed for railcar loading and storage.

f. A map of the property:




g. Applicant certifies that its projected revenues will not exceed five million dollars.

h. This transaction will not displace any railroad employees. Thus, no labor protection is required pursuant to 49 U.S.C. §11326(c).

i. This transaction will provide transloading and long haul rail transportation services for waste and other products generated in the Philadelphia Metropolitan Area. The facility is in a heavily industrialized distribution center near access ramps for both Interstates 95 and 74 and truck traffic to the facility will not significantly increase traffic on any road segment. This project has been the subject of a full environmental review conducted as a part of the Pennsylvania permit application process. This transaction qualifies for classification under 49 C.F.R. §1105.6(c)(2) and therefore, neither an Environmental Report nor a Historic Report is required.

Dated, New York, N.Y.
June 8, 2010

Respectfully Submitted,



John F. McHugh
6 Water Street
New York, N.Y. 10004
212-483-0875

VERIFICATION

John F. McHugh declares pursuant to 28 U.S.C. 1746 that he is the attorney for Swanson Rail Transfer LP and is authorized to make this declaration, and knows the representations hereinabove made in this Notice of Exemption are correct from his own knowledge and/or that he believes the information provided to be correct based upon the information known. The undersigned declares under penalty of perjury that the forgoing is true.

Dated, New York, N.Y.
June 8, 2010

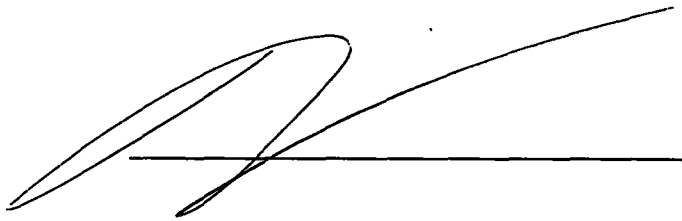
A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a diagonal stroke, positioned over a horizontal line.

EXHIBIT A

PERMIT



Pennsylvania Department of Environmental Protection

2 East Main Street
Norristown, PA 19401
January 15, 2010

Southeast Regional Office

Phone: 484-250-5960
Fax: 484-250-5961

Mr. John C. Ryan, P.E., DEE
Swanson Rail Transfer, LP
31 Tamarack Road
Mahopac, NY 10541

Re: Swanson Rail Transfer Station
City of Philadelphia
Application No. 101696
APS No. 648349, AUTH No. 728669

Dear Mr. Ryan:

The Pennsylvania Department of Environmental Protection (Department) has reviewed the above-referenced application to construct and operate a new municipal solid waste (MSW) transfer facility located at 13 Pattison Avenue in the City of Philadelphia. The new facility will be known as the Swanson Rail Transfer Station. Municipal and construction & demolition (C&D) waste will be accepted by truck and then transferred off-site by rail to permitted facilities.

We have determined that you have satisfied all applicable requirements necessary to perform these activities. Therefore, we have issued the enclosed permit in accordance with Article V of the Solid Waste Management Act, 35 P.S. Section 6018.101, et seq.

Compliance with the limitations and stipulations that have been set forth on your permit is mandatory.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 PA C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audio tape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

January 15, 2010

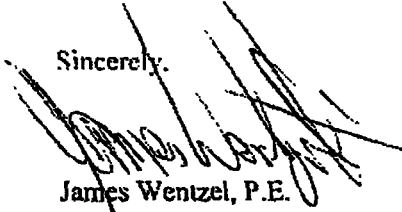
IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

If you have any questions about the enclosed permit or requirements of the Solid Waste Management Act, please contact Dr. Mohamad Mazid, Chief, Engineering Services, at 484-250-5768.

Thank you for your cooperation.

Sincerely,



James Wentzel, P.E.
Regional Manager
Waste Management Program

Enclosure: Permit 101696

cc: Mr. Delaney - Philadelphia Health Department (w/enclosure)
Mr. Prout - E.H. Prout & Associates, LLC (w/enclosure)
Rc 30 (GJE09WM)267-16

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT**Permit
For
Solid Waste Disposal and/or Processing Facility
FORM NO. 8**

Permit No. 101696
Date Issued January 15, 2010
Date Expired January 15, 2020

Under the provisions of the Pennsylvania Solid Waste Management Act of July 7, 1980, Act 97, a permit for a solid waste disposal and/or processing facility at (municipality) the City of Philadelphia in the County of Philadelphia is granted to (applicant) Swanson Rail Transfer, LP

(address) 13 Pattison Avenue

Philadelphia, PA 19148

This permit is applicable to the facility named as Swanson Rail Transfer Station and described as:

Latitude - 39° 54' 30"

Longitude - 75° 08' 59"

This permit is subject to modification, amendment, and supplement by the Department of Environmental Protection (Department) and is further subject to revocation or suspension by the Department for any violation of the applicable laws or the rules and regulations adopted thereunder, for failure to comply in whole or in part with the conditions of this permit and the provisions set forth in the application No. 101696 which is made a part hereof, or for causing any condition inimical to the public health, safety, or welfare.

See Attachment for waste limitations and/or Special Conditions.



FOR THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

THIS PERMIT IS NON - TRANSFERABLE

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT

**Permit
For
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FORM NO. 8**

Permit No.	<u>101696</u>
Date Issued	<u>January 15, 2010</u>
Date Expired	<u>January 15, 2020</u>

- I. This Waste Management Permit is issued based upon application No. 101696 (APS No. 648349, AUTH No. 728669), which was submitted to the Southeast Regional Office of the Department on June 4, 2008, and formally considered received as of August 15, 2008, pursuant to 25 Pa. Code 271.202(h) and the corresponding completion of the Local Municipality Involvement Process.

This permit authorizes Swanson Rail Transfer, LP, to construct and operate a new municipal solid waste (MSW) transfer facility to be located at 13 Pattison Avenue in the City of Philadelphia. The facility will be known as the Swanson Rail Transfer Station and will be permitted to accept municipal and construction & demolition (C&D) waste by truck and then transfer the waste offsite by rail to a permitted disposal facility.

This approved application consists of the following documents (unless otherwise noted, received and revised refer to the dates documents were received by the Department and not necessarily the dates of the documents themselves):

Form G1F submitted on June 4, 2008
 Form A submitted on June 4, 2008, revised on December 15, 2008, and February 18, 2009
 Form B submitted on June 4, 2008
 Form B1 submitted on June 4, 2008
 Form HW-C submitted on June 4, 2008, and revised on December 15, 2008
 Form D(M) submitted on June 4, 2008, and revised on December 15, 2008
 Form E submitted on June 4, 2008
 Form G(A) submitted on June 4, 2008, and revised on December 15, 2008
 Form I submitted on June 4, 2008
 Form L and the PPC Plan submitted on June 4, 2008, revised on December 15, 2008 and February 18, 2009
 Form Q submitted on June 4, 2008, revised on December 15, 2008, and February 18, 2009
 Form X submitted on June 4, 2008, and revised on December 15, 2008
 Form 5 submitted on June 4, 2008
 Form 28, Closure Plan and Bonding Worksheet submitted on June 4, 2008, revised on December 15, 2008, February 18, 2009, and February 27, 2009
 Form 46 submitted on June 4, 2008
 Drawing "Existing Site Condition" dated April 30, 2008, submitted on June 4, 2008

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Drawings 1 to 4, dated May 13, 2008, submitted on June 4, 2008
Drawing OP-1, dated December 10, 2008, received on December 15, 2008, and revised on February 18, 2009
Drawing OP-2, dated December 10, 2008, received on December 15, 2008
Drawing OP-3, dated December 10, 2008, received on December 15, 2008
Drawing OP-4, dated December 10, 2008, received on December 15, 2008
Drawing OP-5, dated December 10, 2008, received on December 15, 2008
Permit Boundary as shown in Drawing OP-1 as revised on February 18, 2009

This approved application includes a response to the Department's review letter of October 27, 2008, received on December 15, 2008; a response to the Department's review letter of January 14, 2009, received on February 18, 2009; and, a response to the Department's review comments transmitted via telephone on February 19, 2009, received on May 1, 2009. Included in the above responses are also responses to the Pennsylvania Department of Transportation review comment letters of September 30, 2008, December 22, 2008, and April 15, 2009.

The contents of all the above listed documents are hereby incorporated in the permit as conditions with which the permittee must comply. Where the terms or conditions of this permit differ from the documents incorporated by reference, the terms or conditions of this permit shall apply.

2. Nothing in this permit shall be construed to supersede, amend, or authorize violation of, the provisions of any valid and applicable local law, ordinance, or regulation, provided that said local law, ordinance, or regulation is not pre-empted by the Pennsylvania Solid Waste Management Act, the Act of July 7, 1980, Act 97, 35 P.S. 6018.101, et seq.
3. As a condition of this permit, and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advanced notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas on which solid waste management activities are being or will be conducted. The authorization and consent shall include consent to collect samples of waste, water or gases, to take photographs, to perform measurements, surveys, and other tests, to inspect any monitoring equipment, to inspect the methods of operation, and to inspect and/or copy documents, books or papers required by the Department to be maintained. This permit condition is referenced in accordance with Sections 608 and 610(7) of the Solid Waste Management Act, 35 P.S.

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Sections 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the Solid Waste Management Act.

4. Construction and operation of the facility shall be conducted in accordance with one of the following two authorized operating scenarios:

- a. Scenario I: Under Scenario I, only the Southern Waste Loading Area (SWLA) Building shall be utilized for operation. Under this scenario, the facility may accept both MSW and C&D waste. All waste shall be stored in the SWLA Building as shown on Drawings OP-1, revised February 2009, and OP-2, dated December 2008. All MSW shall be baled and transferred to rail cars, and all C&D waste shall be loaded into rail cars. All waste received shall be transported offsite by rail to an approved facility. MSW shall be stored in the SWLA Building within an area measuring 35' x 80' and C&D waste shall be stored in the SWLA Building within areas measuring 35' x 83' and 45' x 32', said areas being designated as "Temporary Floor Storage" on Drawing OP-1. The maximum height of waste within these storage areas shall not exceed 22 feet. The maximum amount of waste at the facility at any time shall not exceed 1385 CY (415 tons) of loose MSW, 18 bales (45 tons) of MSW, 2140 CY (750 tons) of loose C&D waste, and no more than 12 rail cars loaded with solid waste. All waste shall be tipped and processed in the SWLA Building. Pursuant to the traffic calculations, the total number of waste transportation vehicles accessing the facility shall not exceed 285 vehicles per any operating day. Facility operations under this scenario are shown on Drawing OP-1 (Scenario I), revised on February 2009, as referenced in Condition No. 1 above.
- b. Scenario II: Under Scenario II, the SWLA Building shall be utilized only for MSW operations and the Northern Waste Loading Area (NWLA) Building shall be utilized only for C&D waste operations, as shown on Drawings OP-3 through OP-5, dated December 2008. In the SWLA Building, two balers will be used to bale the MSW after unloading onto the tipping floor and then the bales shall be loaded into rail cars. MSW shall be stored in the SWLA Building within areas measuring 35' x 165' and 32' x 45', said areas being designated as "Temporary Floor Storage" on Drawing OP-4. In the NWLA Building, C&D waste shall be unloaded onto the tipping floor and loaded into rail cars by a grapple (material handler) machine. The C&D waste shall be stored within two areas with each area measuring 50' x 72', said areas being designated as "Temporary Floor Storage" on Drawing OP-4. The maximum height of waste within these storage areas (in both the SWLA and the NWLA Buildings) shall not exceed 22 feet. The

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maximum amount of waste at the facility at any time shall not exceed 2770 CY (830 tons) of loose MSW and 34 bales (80 tons) of MSW at the SWLA Building; 2245 CY (786 tons) of loose C&D waste at the NWLA Building; and no more than 26 rail cars loaded with solid waste. Pursuant to the traffic calculations, the total number of waste transportation vehicles accessing the facility shall not exceed 356 vehicles per any operating day. Facility operations under Scenario II are shown on Drawing OP-4 (Scenario II), dated December 10, 2008, as referenced in Condition No. 1 above. Prior to operating under Scenario II, the permittee shall provide an updated bonding calculation under Scenario II for the Department's review and approval. No waste management operations may proceed under Scenario II until the Department has approved an updated bond to reflect the expanded operations of Scenario II.

5. Form E, Contractual Consent of Landowner, must be recorded by the permittee at the office of the Recorder of Deeds in Philadelphia County and a copy shall be submitted to the Department prior or along with Form 37, as indicated in the Permittee's December 15, 2008, response to the Department's comment letter dated October 27, 2008.
6. Waste management may not commence at the facility until the Department approves the construction of the facility. Form 37, Certification of Facility Construction Activity, must be submitted to, and approved by, the Department's Southeast Regional Office after the construction of Scenario I but prior to the start of operation under Scenario I. The Scenario I construction certification shall include the upgrading of the railroad crossing on Pattison Avenue, as provided for in the benefits/harms evaluation submitted as part of the permittee's environmental assessment, incorporated into this permit pursuant to Condition No. 1, above. Operation under Scenario I may start upon approval of Form 37 by the Department's Southeast Regional Office. Similarly, Form 37 must be submitted to, and approved by, the Department's Southeast Regional Office after the construction of Scenario II but prior to the start of operation under Scenario II. Operation under Scenario II may start upon approval of Form 37 by the Department's Southeast Regional Office. If no waste is processed under this permit within 5 years of the date of permit issuance, the entire permit is void pursuant to 25 Pa. Code 271.211(e). In addition, in the event waste processing commences pursuant to Scenario I but waste operations pursuant to Scenario II have not commenced within 5 years of the date of permit issuance, then Scenario II shall be considered voided and only Scenario I operations may continue under this permit until or unless a major permit modification is submitted to, and approved by, the Department to update Scenario II operations to reflect the then currently applicable operating requirements.

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7. Daily operational records are to be kept in a format in accordance with 25 Pa. Code 270.251 of the Municipal Waste Management Rules and Regulations.
8. An Annual Operation Report is to be submitted to the Department on or before June 30 of each year in accordance with the format indicated in 25 Pa. Code 279.252 of the Municipal Waste Management Rules and Regulations. The Annual Operation Report submittal shall be accompanied by the Annual Permit Administrative Fee.
9. The maximum daily amount of MSW and C&D waste accepted at this facility shall be in accordance with one of the following two scenarios unless a permit amendment application is submitted to and approved by the Department:
 - a. Scenario I: The facility may receive a maximum of 400 tons/day of MSW and 700 tons/day of C&D waste. Outbound waste shall be transported by rail only.
 - b. Scenario II: The facility may receive maximum of 1800 tons/day of MSW and 700 tons/day of C&D waste. Outbound waste shall be transported by rail only.
10. This facility is permitted to accept waste Monday through Friday from 5 a.m. to 9 p.m. and on Saturday from 5 a.m. until Noon. The facility may process waste, including baling, loading and transfer via rail to offsite permitted locations, 24 hours a day, seven days a week. Operations may be extended due to extreme weather conditions in accordance with the following procedure. Prior to extending operations, justification for such an extension must be mailed or faxed to the Waste Management Program Manager or his designee. Written concurrence that the extension is justifiable needs to be received by the permittee from the manager or his designee before extended operations may be implemented. All other requests to extend operating hours must be requested in advance of need and be approved in writing in advance by the Department.
11. This facility is authorized to accept and process MSW and C&D waste only. This facility may not accept other categories of residual waste or special handling waste not expressly approved in this permit unless a permit amendment application is submitted to and approved by the Department. This facility shall not accept, receive or process hazardous waste as defined in 25 Pa. Code Chapter 261a and 40 C.F.R. Part 261.

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12. No lead acid batteries shall be placed into mixed waste at this facility.
13. As a condition of this permit, and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby consents to provide to authorized county officials access to daily operational records of the facility in order to determine compliance with county municipal waste management plans developed and approved in accordance with the provisions of Act 101, the Municipal Waste Planning, Recycling, and Waste Reduction Act. The permittee may withhold said information if a county fails to agree to maintain confidentiality pursuant to Section 1713(b)(1) and (2) of the Act 101.
14. Waste received at the facility shall be disposed of in compliance with all applicable municipal, county, and state plans, ordinances, regulations, and statutes. No municipal waste may be received, or otherwise managed at the facility if the transportation to, or processing or management at, the facility would violate applicable laws in effect in the municipality, county or state in which the waste was generated, or state or local solid waste management plans in effect where the waste was generated.
15. The facility shall check the report in each transportation vehicle hauling municipal waste to the transfer station facility to ensure compliance with Section 285.217 of the municipal waste regulations, or shall obtain the signature of the driver of each transportation vehicle on the weigh ticket for that vehicle. Every such weigh ticket shall list the counties of origin of the waste in the vehicle.
- 16A. Operations at this transfer station facility cannot begin unless the operator has established at least one drop-off center for the collection and sale of at least three recyclable materials. The three materials shall be chosen from the following: clear glass, colored glass, aluminum, steel, and bimetallic cans, high grade office paper, newsprint, corrugated paper, and plastics.
- 16B. The center shall be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility.
- 16C. The drop-off center shall contain bins or containers where recyclable materials may be placed and temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least eight hours per week, including four hours during evenings or weekends.

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- 16D. Once every six months, the operator shall provide public notice of the availability of the drop-off center. The operator shall place an advertisement in a newspaper circulating in the municipality or provide notice in another manner approved by the Department in writing.
- 16E. On or before February 15 of each year, the operator shall inform the host municipality in writing, of the weight and type of materials that were recycled in the previous calendar year so that the host municipality may comply with the requirements of Section 304(f) of the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P.S. Section 4000.304(f)).
17. All mixed loads of C&D and MSW waste accepted at this facility shall be managed as MSW waste and shall be counted towards the facility's daily MSW waste volume limitation.
- 18A. This permit approves the Radiation Protection Action Plan (RPAP) for Radiation Monitoring of Solid Waste dated June 4, 2008, and revised on December 15, 2008, as referenced in Condition No. 1.
- 18B. Unless otherwise approved in writing by the Department, the stationary monitoring equipment shall be installed and the RPAP implemented no later than the commencement of waste management operations at the facility pursuant to Department approval of the facility construction certification required pursuant to Condition No. 6, above.
- 18C. In addition to the RPAP incorporated herein and with specific reference to page 7 of the RPAP, the initial investigative exposure rate survey shall be performed with radiation monitoring equipment capable of detecting between 10 μ R/hr and 50 μ R/hr.
- 18D. Pursuant to Section 613 of the Solid Waste Management Act, 35 P.S. Section 6018.613, the Department may recover its costs to abate a public nuisance related to radioactive waste, including its costs of management, transport and disposal of the radioactive waste processed, stored, disposed, or rejected at the facility.
- 18E. Approval of this RPAP does not guarantee operational effectiveness. Failure to operate this equipment to perform as intended or designed, and implement the RPAP according to the application documents herein approved, for any reason, shall be sufficient grounds for revocation or suspension of the facility's waste permit in part or in its entirety.

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Date Issued	January 15, 2010
Date Expired	January 15, 2020

- 18F. The Form 37, Certification of Facility Construction, required pursuant to Condition 6, above, shall include documentation that all necessary equipment has been installed and is operational, and that the necessary staff training for use of the monitoring equipment and implementation of the RPAP has been provided. The RPAP may not be implemented, until after the Form 37 has been submitted to, and approved by, the Department. Departmental approval may involve a site inspection, by either Waste Program staff alone or jointly by Waste Program and Radiation Protection Program staff, and may specify operational requirements or procedures to be implemented by the permittee during an initial trial period. These requirements or procedures will be designed to allow the Department's Area Health Physicist to evaluate the facility's ability to properly implement the approved RPAP. The permittee is expected to comply with these operational requirements during the trial period to the same extent as if they were permit conditions.
19. Rail cars shall be tarped or otherwise adequately covered after being loaded and prior to being moved off of the permitted area.
20. During multiple concurrent events held at the nearby sports and arena complex, the facility will provide advanced notices to its customers to advise them of the potential closing of the facility due to traffic impacts related to the special events. Also, a leaflet shall be provided to drivers or notices posted at the scale to advise drivers of the potential closing of the facility during these special events.
21. An initial closure cost of \$251,899 is approved for the facility for Scenario I operation, only. The facility may not operate under Scenario II until a new closure cost estimate and an updated bond, reflecting the expanded Scenario II operation, is submitted to, and approved by, the Department.
22. The bond between the permittee and the Department in the amount of \$251,899 for the Scenario I operation is hereby approved as part of this permit. Upon receipt of written notice from the Department, this bond will have to be updated within 90 days, in accordance with Chapter 271 of the Municipal Waste Regulations.

Re 30 (GJE09WM)267-15

THIS PERMIT IS NON - TRANSFERABLEPage 9 of 9